

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

AIM LEASING COMPANY, et al.,)	CASE NO. 4:14-cv-02161-BYP
)	
<i>Plaintiffs,</i>)	JUDGE BENITA Y. PEARSON
)	
v.)	
)	
SAFE FLEET INSURANCE SERVICES,)	
INC., et al.,)	
)	
<i>Defendants.</i>)	

**PLAINTIFFS AND DEFENDANTS SAFE FLEET INSURANCE SERVICES, INC. AND
DAVID WILLIAMS' PROPOSED STIPULATIONS RELATING TO MOTION FOR
SUMMARY JUDGMENT AS TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

To aid and assist this Court, in accordance with its July 8, 2015 Case Management Plan, Defendants Safe Fleet Insurance Services, Inc. ("Safe Fleet") and David Williams ("Williams ") and Plaintiffs Aim Leasing Company d/b/a Aim National Lease, Aim Leasing Drivers Company d/b/a Aim Dedicated Logistics and Aim Integrated Logistics, Inc. (collectively, "AIM") respectfully submit the following agreed stipulations of unopposed facts in connection with summary judgment briefing in this action.

1. In 2009, AIM hired Richard Leibfried and his company, RJL Insurance Services, Inc., to consult regarding safety, risk management and the selection of insurance agencies and agents from whom AIM would solicit quotations for insurance coverage, among other things.

2. Leibfried and RJL's involvement in assisting AIM to select insurance agencies began with the policy period that started on August 1, 2009.

3. AIM purchased workers' compensation insurance policies from Ullico Casualty Company ("Ullico") for the policy periods August 1, 2009, through February 1, 2013.

4. As of the date each policy period commenced, Ullico was listed as a B+ rated carrier by A.M. Best.
5. On February 7, 2012, A.M. Best downgraded Ullico to a “B” rating.
6. On March 7, 2012, AIM had a telephone conference with representatives of various entities, including AIM, RJL, HASB, Ullico, and Safe Fleet, to discuss the rating downgrade.
7. AIM elected to continue coverage with Ullico for the remainder of the policy period that expired on February 1, 2013.
8. Ullico went into rehabilitation on March 11, 2013, and liquidation on May 30, 2013.
9. In fact, when Ullico was declared insolvent in 2013, AIM was exposed to liability for several open, uncovered workers’ compensation claims for which it did not receive compensation in full from the applicable states’ guaranty fund associations.
10. AIM has sued Safe Fleet, Williams, Main Street America MGA, Inc. (“MSA”), Harbor America Specialty Brokerage, LLC (“HASB”), and Richard Walker (“Walker”) under several legal theories related to those uncovered workers’ compensation claims.
11. Safe Fleet and Williams have asserted cross-claims against HASB, MSA and Walker in this case for contribution and indemnity.
12. Additionally, Safe Fleet and Williams have asserted third-party claims against Leibfried and RJL for contribution and indemnity.
13. In certain litigation in the State of Delaware pertaining to Ullico’s receivership and liquidation, AIM filed a claim for damages, including all of the damages asserted against Safe Fleet, Williams, Main Street, Walker, and HASB in this action. AIM’s claims are still pending and unresolved.

Respectfully submitted,

/s/ Adam J. Russ

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CERTIFICATE OF SERVICE

A copy of the foregoing was filed electronically on May 17, 2016. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Adam J. Russ

*One of the Attorneys for Defendants and Third-
Party Plaintiffs Safe Fleet Insurance Services, Inc.,
and David Williams*